

RECEIVED

JUN 23 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

In the Matter of Digital Data)	
Transmission Within the Video)	MM Docket No. 95-42
Portion of Television Broadcast)	RM-7567
Station Transmissions)	

**COMMENTS OF THE ASSOCIATION
FOR MAXIMUM SERVICE TELEVISION, INC.**

The Association for Maximum Service Television, Inc. ("MSTV") hereby files reply comments in response to the Notice of Proposed Rulemaking, MM Docket No. 95-42, released in the above captioned docket on April 10, 1995 (the "Notice").^{1/}

INTRODUCTION

In the Notice, the Commission seeks comment on a number of public policy and technical issues related to digital data broadcasting. MSTV believes that digital data broadcasting has great promise as a new means of utilizing primary broadcast spectrum to provide myriad new, but ancillary, telecommunications services. However, these new services must not come at the expense of the quality of the existing broadcast television service. The Commission should therefore proceed with caution in authorizing the operation of any particular data broadcasting system within main NTSC television channels. Finally, MSTV believes that the National

^{1/} MSTV is a non-profit trade association of local broadcast television stations committed to achieving and maintaining the highest technical quality for the local broadcast system.

No. of Copies rec'd
List ABCDE

245

Data Broadcasting Committee ("NDBC") has and will continue to produce helpful information regarding the appropriate technical features for data broadcasting services. The NDBC's efforts can and should assist the Commission in its efforts to strike an appropriate balance between preserving and protecting the existing broadcast television service and utilizing primary broadcast spectrum more intensively.

I. MSTV SUPPORTS THE USE OF PRIMARY TELEVISION BROADCAST SPECTRUM CAPACITY FOR DATA BROADCASTING SERVICES.

A number of companies, including WavePhore, Airtrax, and Yes! Entertainment Corporation, have proposed new telecommunications systems that would operate in the same spectrum used for primary broadcast television transmissions. Notice, at ¶¶ 7-8, 17, 21. Given the current shortage of spectrum and the promising new communications services on the horizon -- notably including ATV -- the Commission should encourage the development and deployment of communications systems that make more intensive use of available spectrum.

However, rather than act on specific waiver petitions, the Commission has instead wisely decided to solicit comments on how it should regulate the use of primary broadcast television spectrum for digital data transmissions. See Notice, at ¶ 25; see also Comments of MSTV, Public Notice No. DA 94-67, at 7 n.10 (March 14, 1995). MSTV endorses this approach because it provides the best means of properly

evaluating and balancing a number of competing technical and public policy interests.

At the outset, MSTV wishes to emphasize that the public interest would be served by a Commission policy that permits data broadcasting systems within the existing NTSC broadcast television spectrum. At the same time, however, "intensive use" must not encompass applications that degrade the existing NTSC television service, or that pose an interference threat to future digital ATV television broadcasts.

Great progress has been made in addressing the technical challenges associated with data broadcasting in primary broadcast television spectrum; however, more work remains to be done. The work of the NDBC has confirmed the technical feasibility of introducing digital transmissions into the active video of NTSC broadcast channels. However, broadcasters are not yet certain about the potential for interference caused by these systems on co-channel and adjacent channel advanced television stations. The Commission should therefore undertake (or require proponents of particular data broadcasting systems to undertake) additional technical studies to ensure that these systems does not cause interference to the ATV broadcast television service in the future.

II. BROADCASTERS MUST RETAIN CONTROL OVER THE QUALITY OF THEIR SIGNALS.

The Notice properly acknowledges that broadcasters must retain ultimate control over the content and quality of their signals. Notice, at ¶ 25-27. Data broadcasting should not affect this fundamental principle.

In order to ensure that broadcasters will retain ultimate control over their signals, they must have the ability to strip digital data transmissions that degrade the quality of the primary television signal or cause interference to other stations. This could be accomplished either by requiring digital data service providers to guarantee broadcasters the right to have unwanted digital data transmissions removed (*i.e.*, by requiring contractual agreements between broadcasters and digital data broadcasters that include clauses vesting individual television broadcasters with the right to strip interfering digital data transmissions), or by requiring that any authorized digital data transmission systems provide broadcasters with the ability to strip digital data transmissions generated upstream. Regardless of the precise means selected, television broadcasters must retain the ability to protect the integrity of their and other broadcasts.

III. THE COMMISSION MUST ESTABLISH INTERFERENCE GUIDELINES TO PROTECT THE PRIMARY TELEVISION SERVICE.

The Commission has before it a number of specific proposals for providing new services on primary broadcast

television spectrum. See Notice, at ¶ 7-8, 17, 21. To protect against co-channel and adjacent channel interference, the Commission should establish formal interference guidelines for data broadcasting services. These rules should make plain that the quality of primary television broadcasts must be maintained, and must adequately protect broadcast television signals from the potential of harmful interference from data broadcasting operations.

Moreover, the guidelines should take into account the fact that ATV television broadcasts may be more susceptible to interference from data broadcasting operations than are existing NTSC signals. Accordingly, data broadcasting may be more limited in a dual mode ATV/NTSC environment.

IV. THE NATIONAL DATA BROADCASTING COMMITTEE MUST CONTINUE TO PLAY AN IMPORTANT ROLE IN THE DEVELOPMENT OF DATA BROADCASTING SYSTEMS.

As MSTV has noted previously, "the broadcasting industry is actively studying the best means of implementing data broadcasting services." Comments of MSTV, Public Notice DA 94-67, 4-5 (March 14, 1994). In 1993, the industry organized the National Data Broadcasting Committee, or NDBC, to study the potential of data broadcasting, and to help develop voluntary technical standards and technical guidelines for high-speed data broadcasting on NTSC television channels.

MSTV has supported the NDBC process since its inception, and intends to continue working through the NDBC to

ensure a successful and timely inauguration of data broadcasting services. Given the past successes that have resulted for cooperative partnering between industry and the Commission, there is every reason for optimism that the NDBC's efforts will prove fruitful. See Notice, at ¶ 35. In this regard, MSTV applauds the Commission's decision to consider incorporating NDBC proposals into its regulatory framework for data broadcasting. See id.

Finally, it should be borne in mind that, although significant progress has been made, the NDBC's work is ongoing. The NDBC is in the process of assessing the technical capabilities of various data broadcasting systems, while at the same time working on the establishment of voluntary industry standards for data broadcasting. MSTV is confident that the NDBC will bring its studies and deliberations to an expeditious conclusion, at which time the Commission may consider incorporating the results of the NDBC's efforts into its data broadcasting rules.

V. THE COMMISSION SHOULD PERMIT NTSC DIGITAL DATA BROADCASTING PENDING THE CONVERSION TO ATV.

The Notice seeks comment on whether improvements to the NTSC television service, such as digital data broadcasting, would impede the inauguration of ATV broadcasting. Notice, at ¶ 41. The industry is committed to implementing digital, ATV broadcasting, and improvements to the NTSC service will not affect this commitment.

To the extent that the existing NTSC service can be improved pending the inauguration of ATV services, such improvements should be implemented expeditiously. As one industry observer has noted, "[l]ife is what happens while you're waiting for the future." See McConnell, "Companies Still Pursue Enhanced NTSC," Broadcasting & Cable, June 27, 1994, at 55; see also In the Matter of Amendment of the Commission's Rules Relating to the Permissible Uses of the Vertical Blanking Interval of Broadcast Television Signals (Report & Order), 8 FCC Rcd 3613, 3615 (1993) (adopting ghost-cancelling system that improved the NTSC service). MSTV urges the Commission to move forward with allowing digital data broadcasting operations in spectrum currently allocated to the existing NTSC television service. Moreover, whatever lessons are learned from the implementation of data broadcasting in NTSC will surely be useful for its implementation in a digital ATV context.

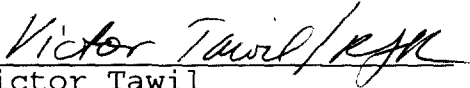
CONCLUSION

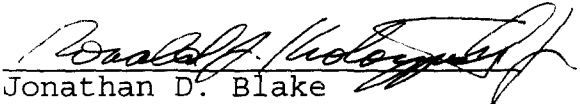
The work of the Commission, the NDBC, and others will without doubt facilitate the successful and timely introduction of data broadcasting systems that operate in primary broadcast spectrum without damaging the primary signal or signals on co-channels and adjacent channels. However, at the present time there are a number of technical questions outstanding regarding how these services will operate. MSTV is confident that the industry and the Commission can resolve these difficulties in

time. MSTV urges the Commission to develop the technical guidelines necessary to permit digital data broadcasting systems to operate within primary broadcast television spectrum.

Respectfully submitted,

ASSOCIATION FOR MAXIMUM
SERVICE TELEVISION, INC.


Victor Tawil
Vice President
Association for Maximum
Service Television, Inc.
1776 Massachusetts Ave., N.W.
Suite 310
Washington, D.C. 20036
(202) 861-0344


Jonathan D. Blake
Ronald J. Krotoszynski, Jr.
Covington & Burling
1201 Pennsylvania Ave., N.W.
P.O. Box 7566
Washington, D.C. 20044-7566
(202) 662-6000

Its Attorneys

June 23, 1995